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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,826	04/06/2000	Mathias Johansson	34646-00433USPT	9284
38065	7590	01/09/2004	EXAMINER HOM, SHICK C	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVW 2-C-2 PLANO, TX 75024			ART UNIT 2666	

DATE MAILED: 01/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,826

Applicant(s)

JOHANSSON ET AL.

Examiner

Shick C Hom

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2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-19 and 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-19 and 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/14/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/14/03 have been fully considered but they are not persuasive.

In page 13 line 24 to page 14 line 3, applicant argued that Sun did not disclose or suggest the method of sending polling requests and status reports that changes in accordance with different sets of rules that govern how and/or when to send the requests and reports as now recited in claims 38 and 39 is not persuasive because Sun in col. 7 lines 35-58 which recite the method automatically configuring for different connection arrangements, i.e. cascade connection, a ring network being used to link the personal computers to the printers, a bus connection wherein the personal computers and printers are linked via a single network, a tree connection wherein the personal computers and printers are linked via a plurality of branches clearly anticipate sending polling requests and status reports that changes in accordance with different sets of rules.

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Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 6-8, 16-20, 22, 25-27, and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Sun (5,247,623).

Regarding claims 1 and 20:

Sun discloses the method and system for enabling error-free delivery of data between a transmitting peer entity and a receiving peer entity when operating with changing service configurations corresponding to the delivery of data between the transmitting peer entity and the receiving peer entity (see col. 7 lines 35-58 the changing configurations corresponding to the delivery of data and col. 6 line 35 to col. 7 line 7 the delivery of data between the computer and printers), said method comprising the steps of: informing the transmitting peer entity and the receiving peer entity of a specific service

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configuration corresponding to the delivery of data between the transmitting peer entity and the receiving peer entity;

determining by the transmitting peer entity, a first set of rules corresponding to the specific service configuration, said first set of rules governing how and/or when the transmitting peer entity should send polling requests to the receiving peer entity; sending a polling request from the transmitting peer entity to the receiving peer entity in accordance with the first set of rules; determining by the receiving peer entity, a second set of rules corresponding to the specific service configuration, said second set of rules governing how and/or when the receiving peer entity should send status reports to the transmitting entity, in response to receiving one or more polling requests; and sending a status report from the receiving peer entity to the transmitting peer entity in accordance with the second set of rules (see col. 4 line 53 to col. 6 line 16 which recite the conditions or rules for transmitting and receiving and col. 7 lines 8-21 where the polling request is generated and sent to the printer and the receiver after a wait period send the status).

Regarding claims 3 and 22:

Sun discloses wherein the first set of rules causes the transmitting peer entity to send the polling request when the

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status report has not been received by the transmitting peer entity and a polling timer has timed out (col. 5 line 29 to col. 6 line 16 and col. 7 lines 8-21).

Regarding claims 6 and 25:

Sun discloses wherein the first set of rules causes the transmitting peer entity to send the polling request when the transmitting peer entity has transmitted during a predefined portion of a transmitting window (col. 7 lines 8-21).

Regarding claims 7 and 26:

Sun discloses wherein the first set of rules causes the transmitting peer entity to send the polling request when the transmitting peer entity has transmitted during a predefined period of time (col. 3 lines 38-62).

Regarding claims 8 and 27:

Sun discloses wherein the first set of rules causes the transmitting peer entity to defer sending said polling request for a predefined period of time (col. 3 lines 38-62 and col. 7 lines 8-21).

Regarding claim 16:

Sun discloses wherein the second set of rules causes the receiving peer entity to transmit the status report to the transmitting peer entity in response to receiving the polling request (col. 7 lines 8-21).

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Regarding claims 17 and 35:

Sun discloses wherein the second set of rules causes the receiving peer entity to transmit the status report to the transmitting peer entity when the transmitting peer entity has transmitted during a predefined portion of a transmitting window (col. 7 lines 8-21).

Regarding claims 18 and 36:

Sun discloses wherein the second set of rules causes the receiving peer entity to send the status report to the transmitting peer entity during a predefined period of time (col. 3 lines 38-62).

Regarding claims 19 and 37:

Sun discloses wherein the second set of rules causes the receiving peer entity to defer sending the status report for a predefined period of time (col. 3 lines 38-62 and col. 7 lines 8-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

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would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103[®] and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 4, 5, 9-15, 21, 23-24, and 28-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Sun (5,247,623) in view of Safadi (5,847,751).

Sun discloses the method and system described in paragraph 3 of this office action.

Sun did not teach the transmitting peer entity sends the polling request when a last PDU in a transmission buffer is

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transmitted as in claims 2, 21; the predefined number of PDUs as in claims 4, 27; and the predefined number of SDUs as in claims 5, 24; the transmitting peer entity adjusts a transmission window parameter responsive to receiving the status report as in claims 9, 28; the transmitting peer entity retransmits at least one PDU responsive to receiving the status report as in claims 10, 29; the transmitting peer entity retransmits at least one PDU responsive to receiving the status report, if the status report is plausible as in claims 11, 30; the receiving peer entity transmits the status report to the transmitting peer entity if an estimated PDU counter is not counting, the receiving peer entity not sending the status report to the transmitting peer entity if the estimated PDU counter is counting as in claims 12, 31; the receiving peer entity transmits the status report to the transmitting peer entity if the receiving peer entity detects at least one missing or incorrectly received PDU as in claims 13, 32; the receiving peer entity transmits the status report to the transmitting peer entity when a predefined number of PDUs is received as in claims 14, 33; the receiving peer entity transmits the status report to the transmitting peer entity when a predefined number of SDUs is received as in claims 15, 34.

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Safadi teaches that it is known to request diagnostic/status information; retransmit the request; and the step of adjusting the number of time slots, and increases the size of the frame, adjusts the spacing between time slots as set forth at col. 24 line 44 to col. 25 line 32 in the field of digital and multiplex communications for the purpose of distribution of broadcast and interactive digital services to consumer residences which clearly anticipate the transmitting peer entity adjusting a transmission window parameter responsive to receiving the status report as in claims 9, 28; the transmitting peer entity retransmitting responsive to receiving the status report as in claims 10, 29; the transmitting peer entity retransmitting responsive to receiving the status report, if the status report is plausible as in claims 11, 30. Further, col. 6 lines 26-49 which recite the broadcast digital services information includes ATM to AAL5-service data units SDU and col. 9 line 63 to col. 10 line 3 which recite forwarding AAL5-SDU protocol data units PDU to the STT central processing unit as well as the service stream to the other STT processing elements clearly anticipate the PDU in the transmission buffer being transmitted as in claims 2, 21; the predefined number of PDUs as in claims 4, 27; and the predefined number of SUDs as in claims 5, 24; the at least one missing or incorrectly received PDU as

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in claims 13, 32; the predefined number of PDUs being received as in claims 14, 33; and the predefined number of SDUs being received as in claims 15, 34. Col. 18 lines 1-34 which recite the four bit continuity counter field being an incremental counter which increments with each transport packet with the same PID clearly anticipate the receiving peer entity transmits the status report to the transmitting peer entity if an estimated PDU counter is not counting, the receiving peer entity not sending the status report to the transmitting peer entity if the estimated PDU counter is counting as in claims 12, 31.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide PDU in a transmission buffer; the predefined number of PDUs; the predefined number of SUDs; adjusting a transmission window parameter responsive to receiving the status report; the transmitting peer entity retransmits at least one PDU responsive to receiving the status report; the transmitting peer entity retransmits at least one PDU responsive to receiving the status report, if the status report is plausible; the receiving peer entity transmits the status report to the transmitting peer entity if an estimated PDU counter is not counting, the receiving peer entity not sending the status report to the transmitting peer entity if the estimated PDU counter is

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counting; the receiving peer entity transmits the status report to the transmitting peer entity if the receiving peer entity detects at least one missing or incorrectly received PDU; the receiving peer entity transmits the status report to the transmitting peer entity when a predefined number of PDUs is received; and the receiving peer entity transmits the status report to the transmitting peer entity when a predefined number of SDUs is received as taught by Safadi to the system of Sun because Safadi teaches the desirable advantage of a higher degree of performance with using fiber-coax metropolitan area network for distributing services to consumer with the disclosed protocol, i.e. PDU, and said higher degree of performance being desirable to achieve more efficient system operation in Sun.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

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expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications;
please mark "EXPEDITED PROCEDURE")

Or:

(for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



EXAMINER
SHICK HOM

SH

January 5, 2004